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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,853	02/21/2006	Harald Moschutz	2002P01195WOUS	2271

  

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BSH HOME APPLIANCES CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 100 BOSCH BOULEVARD NEW BERN, NC 28562		

  

EXAMINER	
GRAVINI, STEPHEN MICHAEL	

  

ART UNIT	PAPER NUMBER
3749	

  

MAIL DATE	DELIVERY MODE
06/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/530,853

Applicant(s)

MOSCHUTZ ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20050411.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

Currently the declaration recites material to examination as defined in 37 CFR 1.56(a), instead of what is required above. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nash (US 4,183,150). The claims are reasonably and broadly construed, in light of the accompanying specification as being disclosed by Nash as comprising:

a receiving area for receiving liquid at column 4 lines 5-7; and  
a liquid-impermeable sleeve surrounding the receiving area and having at least one

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outlet opening **6** for dispensing moisture, the sleeve being heat-permeable at column 1 lines 48-62. Nash also disclosed the claimed device having at least one connecting means for connection to the drum of the laundry dryer as shown in figure 1, wherein the device receives water at column 1 lines 15-19, wherein the at least one outlet opening comprises pores **8** in the material of the sleeve, wherein the sleeve is made of a flexible material at column 2 line 55, wherein the sleeve includes a membrane **8** semi-permeable for moisture, wherein the device in the sleeve further comprises a closeable filling opening for bringing liquid into the receiving area and further comprising a carrier for liquids in the receiving area at column 2 lines 20-50, wherein the device removes odors from textiles in a laundry dryer which is inherent to the teachings of Nash because hot air flowing from a dryer would necessarily remove odors as air flow is exhausted from the laundry dryer.

Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodd et al. (US 2002/0100773). The claims are reasonably and broadly construed, in light of the accompanying specification as being disclosed by Rodd as comprising:

a sleeve **1** defining an enclosed receiving area **3** within the sleeve for retaining a liquid, the sleeve being made from a material being liquid-impermeable to resist the liquid from passing through the sleeve, heat-permeable to permit heat from the laundry dryer to act on the liquid within the sleeve and vaporize the liquid; and at least semi-permeable for moisture to permit the vaporized liquid to pass through the material and exit the sleeve; and

a carrier disposed within the receiving area and absorbing the liquid as disclosed in paragraphs [0006], [0015], and [0018] of that reference wherein the heat of a dryer will cause vaporization because any flow of hot air against a liquid will cause it to vaporize and evaporate. Rodd also discloses the claimed the sleeve is made from a porous material having multiple pores permitting moisture to pass through the pores and preventing liquid from passing through the pores at paragraph [0041], wherein the porous material only permits moisture to pass through the sleeve in one direction from inside the sleeve to outside the sleeve at paragraph [0042], wherein the sleeve is made from a flexible material at paragraph [0012], wherein the sleeve defines a filling opening for receiving the liquid into the receiving area and a resealable lug 4 covering the opening and resisting the liquid from passing through the filling opening, wherein the sleeve includes a one-way pressure valve permitting moisture to exit the sleeve at paragraph [0036]. , wherein the carrier is made from a sponge material.

Claims 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson. (US 5,966,831). The claims are reasonably and broadly construed, in light of the accompanying specification as being disclosed by Anderson as comprising:

providing a device that contains a liquid and includes at least one outlet opening at column 2 lines 20-35;

inserting the device in the interior of the laundry dryer at column 2 lines 44-48;

producing heat by means of the heating device of the laundry dryer at column 4 lines 25-34;

vaporizing the liquid within the device to generate moisture within the device at column 5 lines 10-13;

dispensing the moisture within the device through the at least one outlet opening into the interior of the dryer also at column 5 lines 10-13. Anderson also discloses the claimed sleeve defining an enclosed receiving area within the sleeve for retaining a liquid, the sleeve being made from a material being liquid-impermeable to resist the liquid from passing through the sleeve, heat-permeable to permit heat from the laundry dryer to act on the liquid within the sleeve and vaporize the liquid; and at least semi-permeable for moisture to permit the vaporized liquid to pass through the material and exit the sleeve and a carrier disposed within the receiving area and absorbing the liquid at column 3 lines 10-51, wherein the sleeve is made from a porous material and the at least one outlet opening includes multiple pores permitting moisture to pass through the sleeve in one direction from inside the sleeve to outside the sleeve at column 4 line 29, the act of removing odors from textiles within the laundry dryer at column 2 lines 42-43, and the act of connecting the device to the drum of the laundry dryer as disclosed in the background of the invention and shown in the figures.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nash in view of Moser (US 5,675,911). Nash discloses the claimed invention, as rejected above, except for the claimed step wherein the carrier is a sponge-like material. Moser, another laundry dryer device discloses a carrier sponge-like material at column 1 lines 11-51. It would have been an obvious to one skilled in the art to combine the teachings of Nash with the sponge-like material, disclosed in Moser, for optimum performance of treating laundry dryer articles through a permeable material, such as a sponge type material.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodd in view of Moser. Rodd discloses the claimed invention, as rejected above, except for the claimed step wherein the carrier is a sponge-like material. Moser, another laundry dryer device discloses a carrier sponge-like material at column 1 lines 11-51. It would have been an obvious to one skilled in the art to combine the teachings of Rodd with the sponge-like material, disclosed in Moser, for optimum performance of treating laundry dryer articles through a permeable material, such as a sponge type material.

### ***Double Patenting***

Claims 12-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-15 of copending Application No. 10/562, 105. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been an obvious matter of design choice to substitute the copending sorption steps the currently claimed dispensing features because both features will cause moisture to be supplied to the interior of a dryer regardless of the means and/or method claimed.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG  
June 7, 2007

*Stephen Chan*